

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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FILED

IN THE MATTER OF THE INDIANA)
UTILITY REGULATORY COMMISSION'S)
INVESTIGATION OF MATTERS)
RELATED TO THE FEDERAL)
COMMUNICATIONS COMMISSION'S)
REPORT AND ORDER AND ORDER ON)
REMAND AND FURTHER NOTICE OF)
PROPOSED RULEMAKING IN CC)
DOCKET NOS. 01-338, 96-98, AND 98-147)

'APR 08 2004

CAUSE NOS. 42500, INDIANA UTILITY
42500-S1 and 42500-S2 UTILITY COMMISSION

You are hereby notified that on this date the Presiding Officers in this Cause make the following Entry:

On March 11, 2004, Indiana Bell Telephone Company Incorporated, d/b/a SBC Indiana ("SBC Indiana") filed a *Motion to Temporarily Stay All Triennial Review Proceedings*. Indiana's Triennial Review Proceedings are encompassed in the three above-captioned Causes. Most of the competitive carriers to these proceedings filed responses in opposition to the motion for a temporary stay. SBC Indiana's motion, which was denied by Docket Entry on March 26, 2004, argued that a temporary stay of these proceedings was justified by the D.C. Circuit's March 2, 2004 decision that vacated major portions of the Federal Communications Commission's ("FCC's") Triennial Review Order ("TRO"). On April 5, 2004, SBC Indiana filed a *Renewed Motion to Temporarily Stay All Triennial Review Proceedings In Light of New Developments, and Request for Expedited Consideration*. SBC Indiana's renewed motion for a temporary stay was based primarily on the March 31, 2004 issuance of a letter by all FCC Commissioners that called upon the telecommunications industry to begin a period of good faith negotiations to arrive at commercially acceptable arrangements for the availability of unbundled network elements. An Evidentiary Hearing in Cause No. 42500-S2 was scheduled to commence on April 7, 2004, and the parties were advised in an April 6, 2004 Entry that the Presiding Officers would entertain oral responses and an oral reply to the renewed motion for a temporary stay at the conclusion of that Evidentiary Hearing.

On April 7, 2004, at the conclusion of the Evidentiary Hearing in Cause No. 42500-S2, none of the competitive carriers or the Indiana Office of Utility Consumer Counselor expressly agreed with or objected to SBC Indiana's renewed motion for a temporary stay, but conveyed their positions as either "neutral," "no position," or "no objection." Based on those responses and a number of other factors, including the FCC's

unified call for negotiations, we granted SBC Indiana's renewed motion for a temporary stay of these TRO proceedings. We have decided, in an effort to avoid any later confusion or misunderstanding, that this Entry should be issued to memorialize our findings with respect to the temporary stay.

All three of these Causes are temporarily stayed. A status conference with respect to the temporary stay has been scheduled for May 24, 2004, at 10:00 a.m. EST in Room TC-10 of the Indiana Government Center South, Indianapolis, Indiana. If the existing stay of the D.C. Circuit's vacatur is lifted prior to May 24, 2004, we will make an effort to reschedule the status conference to an earlier date, if it is reasonable to do so. Possible results of the status conference include, but are not necessarily limited to, keeping the temporary stay in place and scheduling another status conference or lifting our temporary stay and establishing a revised procedural schedule in order to move forward with these Causes. Some obvious issues to be considered at the status conference will be recent events at the federal level with respect to the TRO, the status of negotiations among telecommunications carriers, and any change of position that the parties to these Causes may have in regard to our temporary stay.

Excluded from our temporary stay is compliance with the remaining deadline to prefile testimony and exhibits in these Causes, as contemplated in the Commission's November 5, 2003 Prehearing Conference Order. The only remaining prefilig deadline in any of these Causes is SBC Indiana's rebuttal prefilig deadline of April 12, 2004, in Cause No. 42500.


Therefore, with respect to Cause Nos. 42500 and 42500-S1, the proceedings are temporarily stayed at the point at which all prefled testimony and exhibits have been received, and prior to the commencement of an Evidentiary Hearing in each of these Causes. The previously scheduled Evidentiary Hearing commencement dates of April 12, 2004, in Cause No. 42500-S1 and April 26, 2004, in Cause No. 42500 are vacated, as are the post-hearing schedules established in the Commission's November 5, 2003 Prehearing Conference Order.

The Evidentiary Hearing in Cause No. 42500-S2 was conducted and adjourned on April 7, 2004. Therefore, Cause No. 42500-S2 is temporarily stayed at the point at which the Evidentiary Hearing has been completed, and prior to the parties' filing of post-hearing briefs and proposed Orders. The post-hearing schedule established for this Cause in the Commission's November 5, 2003 Prehearing Conference Order is vacated.

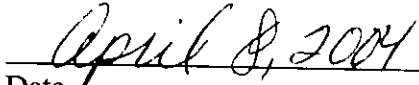
IT IS SO ORDERED.



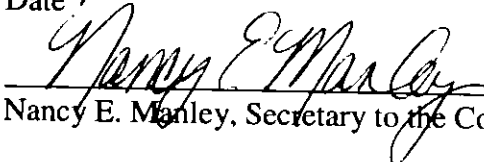
Judith G. Ripley, Commissioner



William G. Divine, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission